

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gary L. Breton

Application No.:

Filed:

Title: "Nucleic Acid and Amino Acid Sequences Relating to *M. Catarrhalis* for Diagnostics and Therapeutics"

Date: <i>June 24, 2003</i>
EXPRESS MAIL LABEL NO. <u>EL 442001382 US</u>

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Alexandria, VA 22313

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$240.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a Petition under 37 CFR 1.97(d)(2), and
- ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i).  
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- ☐ Applicant requests that the attached IDS and cited reference(s) \_\_\_\_\_ be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is form PTO-1449:

- ☐ Copies of the cited references are enclosed.
- ☒ Copies of cited references are enclosed except those entered in prior application, U.S. Serial No. 09/540,236, and references that are not required to be submitted under 37 CFR 1.98.
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) \_\_\_\_\_ under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ the enclosed English language abstract.

It is requested that the information disclosed herein be made of record in this application.

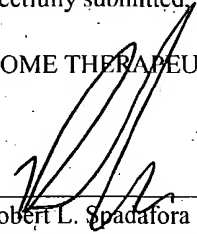
Method of payment:

- ☐ Enclosed is a check in the amount of \$ \_\_\_\_\_.
- ☐ Please charge Deposit Account 501040 in the amount of \$ \_\_\_\_\_.
- ☐ A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 501040.

Respectfully submitted,

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By

  
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Dated: 6/24/03

PTO-1449 REPRODUCED				ATTORNEY DOCKET NO. PATH03-14		APPLICATION NO.	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  (Use several sheets if necessary)				APPLICANT Gary L. Breton			
				FILING DATE		GROUP	
<b>U.S. PATENT DOCUMENTS</b>							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	5,607,846	3/4/97	Murphy, et al.	435	69.3	5/17/94
	AB	5,712,118	1/27/98	Murphy	435	69.3	9/20/94
	AC	5,725,862	3/10/98	Murphy	424	251.1	12/8/95
	AD	5,948,412	9/7/99	Murphy	424	251.1	3/3/97
	AE	5,972,657	10/26/99	Murphy, et al.	435	69.3	10/14/97
	AF	5,556,755	9/17/96	Murphy	435	6	9/29/93
	AG	5,981,213	11/9/99	Hansen, et al.	435	69.1	5/25/95
	AH	6,214,981 B1	4/10/01	Tucker, et al.	536	23.1	11/12/97
	AI	6,004,562	12/21/99	Campagnari	424	251.1	8/16/96
	AJ	5,030,556	7/9/91	Beaulieu, et al.	435	6	3/30/89
	AK	6,184,371 B1	2/6/01	Loosmore, et al.	536	23.7	5/8/98
	AA2	6,090,576	7/18/00	Myers, et al.	435	69.1	3/8/96
	AB2	6,001,564	12/14/99	Bergeron, et al.	435	6	9/11/95
	AC2	5,808,024	9/15/98	Sasaki, et al.	536	23.1	6/7/95
	AD2	5,721,097	2/24/98	Roussau, et al.	435	6	9/1/94
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL						
	AM						
	AN						
	AO						
	AP						
	AQ						
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	AR	Murphy, T.F., et al., "The major heat-modifiable outer membrane protein CD is highly conserved among strains of Branhamella catarrhalis," <i>Mol. Microbiol.</i> , 10(1):87-97 (1993).					
	AS	Hsiao, C.B., et al., "Outer membrane protein CD of Branhamella catarrhalis: sequence conservation in strains recovered from the human respiratory tract," <i>Microb. Pathog.</i> , 19:215-25 (1995).					
EXAMINER				DATE CONSIDERED			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AT		Bhushan, R., et al., "Molecular cloning and characterization of outer membrane protein E of Moraxella (Branhamella) catarrhalis," <i>J. Bacteriol.</i> , 176(21):6636-43 (1994).
AR2		Bootsma, H.J., "Molecular characterization of the BRO $\beta$ -lactamase of Moraxella (Branhamella) catarrhalis," <i>Antimicrob Agents Chemother.</i> , 40(4):966-72 (1996).
AS2		Aebi, C., et al., "Mapping of a protective epitope of the CopB outer membrane protein of Moraxella catarrhalis," <i>Infect. &amp; Immun.</i> , 66(2):540-8 (1998).
AT2		Myers, L.E., et al., "The transferring binding protein B of Moraxella catarrhalis elicits bactericidal antibodies and is a potential vaccine antigen," <i>Infect. &amp; Immun.</i> , 66(9):4183-92 (1998).
AR3		Du, R.P., et al., "Cloning and expression of the Moraxella catarrhalis lactoferrin receptor genes," <i>Infect. &amp; Immun.</i> , 66(8):3656-65 (1998).
AS3		Helminen, M.E., et al., "A Major Outer Membrane Protein of Moraxella catarrhalis Is a Target for Antibodies That Enhance Pulmonary Clearance of the Pathogen in an Animal Model," <i>Infect. &amp; Immun.</i> , 61(5):2003-10 (1993).
EXAMINER		DATE CONSIDERED